IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.42467 of 2008

1. RADHEY SINGH &
2. Ram Gulam Singh @ Gulam Singh, both sons of Late Chhatar Singh, and residents of Village – Bihari Bigha, P.S. Pandarak, Distt. Patna.

Versus

STATE OF BIHAR

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2. 04.12.2008. Heard.

Petitioners have been named in the first information report. It has been alleged that the petitioners and eight others formed an unlawful assembly when they came to the house of the deceased. At that time, all of them were armed with semi-automatic rifles. It was stated that the petitioners and others dragged the deceased towards Durga Temple and, while doing so, started firing with rifles upon the deceased, as a result of which, the deceased died.

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The post mortem report suggests that apart from a lacerated wound on the skull, the deceased had two gun-shot injuries. One of such gun-shot injuries, as per the post mortem report, pierced the body and other entered but did not exit. The cause of death is by reason of all such injuries.

The information was enquired into. The police filed a report in final form. The deceased was accused with

others in a Sessions Trial concerning the murder of the son of the Petitioner No. 1. The Magistrate has differed with the report of the police and has taken cognizance.

Considering each of the circumstances, as above, and on the undertaking of the petitioners that the petitioners shall fully cooperate with the case to reach to its final conclusion, their application for grant of anticipatory bail is allowed.

In the event of arrest or surrender of the petitioners within six weeks from today, let the petitioners, namely, Radhey Singh and Ram Gulam Singh @ Gulam Singh be released on bail on their furnishing bonds in the sum of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the A.C.J.M., Barh, District - Patna in connection with Pandarak P.S. Case No. 59 of 1998, dated 19.07.1998, subject to the undertaking, as above, and the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Barin Ghosh, J.)

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